OFFICIAL TEXT ICC ANTI-JIM CROW RULING, PP. 536-551

# The CRISIS

NOVEMBER, 1961 15¢



# THE CRISIS

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A RECORD OF THE DARKER RACES

*Editor:* James W. Ivy

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## IN THIS ISSUE

**November, 1961**



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*Sinclair Studio*

DEACONS ASSOCIATION AND AUXILIARY JOIN UP—*Mrs. Nora O. Fant (3rd from L), vice-president of the Jersey City, N. J., branch receives the final of two payments from Peter McQuarters, president of the Baptist Deacons Association of New Jersey, Inc. and Auxiliary as final NAACP life membership payment. Pictured from L, Mrs. Elizabeth Lane, Auxiliary secretary; Mrs. Lula Collins, president; Mrs. Fant and Deacon McQuarters; and Deacon Malcolm Yelverton, recording secretary.*

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# ICC Anti-Jim Crow Ruling

THE Interstate Commerce Commission's ruling on September 22, 1961, banning racial segregation on interstate buses and in terminals used by these buses culminates a 15-year drive to get rid of jim-crow travel.

A series of NAACP-sponsored law suits and complaints filed with the ICC laid the legal basis of the ruling requested by Attorney General Robert F. Kennedy on May 29 after the "Freedom Rides" last spring focused international attention anew on the continuing jim-crow practices in Alabama and Mississippi bus terminals.

The ICC handed down a ruling on September 22 requiring all interstate buses, as of November 1, 1961, to display conspicuously signs reading:

**Seating aboard this vehicle is without regard to race, color, creed, or national origin, by order of the Interstate Commerce Commission.**

The Commission order also prohibits interstate buses from using "any terminal facilities which are so operated, arranged, or maintained as to involve any separation of any portion thereof, or in the use thereof on the basis of race, color, creed or national origin."

Ticket offices located in private stores at bus stops are not covered by this prohibition.

Other requirements of the order include a printed notice of non-discrimination on all tickets sold on or after January 1, 1963; public display of the ICC anti-discrimination regulations in all terminals used by interstate buses and reports to the ICC by the bus companies "within 15 days of its occurrence, any interference by any person, municipality, county, parish, state or body politic with its observance of the requirements of these regulations."

The ICC order was hailed by NAACP Executive Secretary Roy Wilkins as a "gratifying amplification of the ICC ruling handed down in 1955 in response to a petition filed by the NAACP. It means," he said, "that American citizens may now travel freely among their states without being penalized and persecuted because of their color. It means that there will be no East or West Berlins in our country."

Mr. Wilkins said the Freedon Riders "dramatized for the nation and the world the continued segregation in Alabama and Mississippi and thus compelled swift action by the ICC."

On November 25, 1955, the ICC handed down a ruling banning segregation of interstate passengers in rail and bus transportation and in waiting rooms of stations. Railroads, bus companies and terminals were given until January 10, 1956, to cease segregating Negro interstate passengers.

The ruling was the result of a comprehensive complaint by the NAACP with the ICC on December 14, 1953. Named in the complaint, filed on behalf of the NAACP, as an organization, and 17 individuals, were 11 railroads, the Richmond, Va., Terminal Co., and the Union News Company which was operating a jim-crow restaurant in the Richmond Terminal. The U. S. Department of Justice submitted a brief as friend of the court in support of the NAACP position.

The Commission, at that time, dismissed the complaint against the Union News Company on the ground that restaurant facilities were not an integral part of a transportation system and, accordingly, not subject to the jurisdiction of the Commission.

In his communication to the ICC urging the present action, Attorney General Kennedy cited as grounds for a new ruling three cases handled by Robert L. Carter, NAACP general counsel. These included a 1955 suit against the St. Louis-San Francisco Railroad; the Bruce Boynton suit against the State of Virginia, and *Keys v. Carolina Coach Co.* Favorable decisions were won in all three suits. A United States Supreme Court decision in 1960 established the right of Mr. Boynton, a Howard University law student, to service in restaurants in interstate bus terminals. A 1955 decision, in *Keys v. Carolina Coach Co.*, held a state could not compel Negro interstate passengers to occupy assigned seats apart from other passengers.

An earlier case, which also paved the way for the present ruling, was *Morgan v. Virginia* in 1946. The NAACP won a decision which restrained the State of Virginia from applying local jim-crow statutes to interstate travelers. Mrs. Irene Morgan, traveling from Washington across the Potomac to Virginia, had refused to move to a rear seat. Her case was carried through the Virginia courts to the U. S. Supreme Court.

On June 3, 1946, the U. S. Supreme Court declared by a six to one decision that segregation on interstate buses by race is unconstitutional. The majority opinion of the court was read by Justice Stanley F. Reed, with separate and concurring opinions by Justices Hugo L. Black and Felix Frankfurter. Justice Rutledge concurred in the result. Justice Harold H. Burton dissented.

*The Crisis* (July, 1946) prophesied, editorially:

The U. S. Supreme Court opinion in the Irene Morgan case, outlawing by a vote of 6 to 1, segregation of passengers on interstate buses, marks the beginning of the end of Jim Crow transportation in this country. There will be resistance by whites in many areas. There will be demogogic statements by politicians and rabble-rousers. There will be timidity among many Negroes. Custom and habit backed, by

state laws, have strongly conditioned both whites and blacks so that the overturn will not be sudden.

But it will come, spreading from Virginia. . . . In a not too distant day —thanks to the NAACP and its attorneys—Negro Americans will be rid of the most obnoxious (if not the most damaging) mark of second-class citizenship.

The Morgan case was the first to challenge the validity of the jim-crow statutes as applied to interstate passengers to reach the U. S. Supreme Court after the case of *Hall v. DeCuir* in 1877, when the court held that a local Louisiana statute prohibiting segregation of passengers did not apply to interstate commerce. Other cases reached the court after this, but they always involved the question of the equality of jim-crow provisions, not the constitutionality of segregation. It might be remarked, incidentally, that the plaintiff in the *Hall v. DeCuir* case was also a woman, although the vehicle involved was a steamboat instead of a bus.

It was the NAACP case, *Gayle v. Browder,* which terminated the year-long Montgomery, Ala., bus protest in 1956. The Supreme Court on November 13, 1956, affirmed a three-judge federal district court decision invalidating the Alabama statutes and Montgomery ordinance requiring segregation on city buses.

In another case, *Flemming v. South Carolina Electric & Gas Co.,* the Supreme Court, on April 18, 1956, in effect sustained a ruling of the U. S. Circuit Court of Appeals that a plaintiff did not have to change her seat on a South Carolina bus to comply with the state's segregation law, thus knocking out that statute. This was the first decision banning jim-crow in local and interstate transportation.

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BOROUGH HALL WELFARE CENTER, *New York City, receives its NAACP life membership. Mildred Bond (C) of the NAACP life-membership staff made the presentation to Sol Kaplan, assistant administrator, in September, 1961. Pictured are members of the Borough Hall staff who served on the NAACP campaign committee and at Miss Bond's left is Helen Bando, campaign chairman.*

# ICC Issues Rules to Ban Discrimination in Interstate Bus Transportation

THE Interstate Commerce Commission prescribed rules on September 22, 1961, to prohibit racial discrimination in interstate bus transporation.

The rules generally prohibit motor common carriers of passengers from operating buses in interstate commerce on which seating is based on race, color, creed, or national origin. The regulations also prohibit interestate buses from utilizing segregated terminal facilities.

The Commission instituted the "rule-making" action on a petition of the Attorney General of the United States filed May 29, 1961, urging prescription of regulations to remove doubts as to rights of passengers and obligations of carriers. All motor common carriers of passengers in interstate commerce were made parties to the proceeding and anyone having an interest was authorized to participate. Oral argument was heard by the Commission on August 15.

The Commission's report noted that the record clearly establishes that discriminatory practices in violation of the Interstate Commerce Act are being followed by interstate bus operators.

"We find," the Commission said, "that in a substantial part of the United States many Negro interstate passengers are subjected to racial segregation in several forms. On vehicles, they continue to be subjected to segregated seating based upon race. In many motor passenger terminals, Negro interstate passengers are compelled to use eating, rest room and other terminal facilities which are segregated."

Beginning November 1, 1961, interstate buses were required to display a sign stating: "Seating aboard this vehicle is without regard to race, color, creed, or national origin, by order of the Interstate Commerce Commission." Beginning January 1, 1963 interstate bus tickets must carry a similar statement.

Terminal facilities, under the prescribed rules, may not be utilized by interstate buses unless a sign is posted stating, "Public Notice: Regulations Applicable to Vehicles and Terminal Facilities of Interstate Motor Common Carriers of Passengers, by order of the Interstate Commerce Commission."

In considering terminals and facilities, the Commission indicated the rules would not apply to every independently operated corner drug store which sells a few tickets for a motor carrier.

The report said, however, that if an agent offers or provides terminal services and facilities for the comfort and convenience of interstate passengers, such as a public waiting room, rest room, or eating facilities, "it would appear that the premises where these services and facilities are made available should be considered as part of the carrier's terminal facilities."

If the carrier volunteers to make the services available and those actually furnishing the services acquiesce and cooperate in this undertaking, the services must be furnished without discrimination, the report stated.

The rules require interestate bus operators to report to the Commission any interference with the observance of the regulations. "Obviously," the Commission said, "we cannot anticipate the precise effect of application of the regulations to each and every factual situation that may arise, but the regulations should make clear to respondents and others the rights of passengers under the Interstate Commerce Act."

*The official text of the ICC ruling follows on succeeding pages.*

## INTERSTATE COMMERCE COMMISSION

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### No. MC-C-3358

### DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR CARRIERS OF PASSENGERS

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*Decided September 22, 1961*

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Upon petition, rules and regulations to be observed by motor common carriers of passengers operating in interstate or foreign commerce, governing the practices of such carriers with respect to unjust discrimination, prescribed.

*Hon. Robert F. Kennedy,* the Attorney General of the United States, *Byron R. White,* Deputy Attorney General, *Burke Marshall,* Assistant Attorney General, *St. John Barrett, Irving N. Tranen, John L. Murphy, Robert L. Saloschin,* and *Robert S. Burk,* for petitioner.

*Hon. Dean Rusk,* the Secretary of State, on behalf of the Department of State.

*Hon. Robert S. McNamara, the Secretary of Defense, on behalf of the Department of Defense.*

*Hon. MacDonald Gallion* for the State of Alabama, *Hon. Joe T. Patterson* for the State of Mississippi, *Norman Berkowitz* for the Michigan Public Service Commission, *Thomas Hal Phillips, Norman A. Johnson, Jr.,* and *W. E. (Bucky) Moore* for the Mississippi Public Service Commission, and *Hon. David D. Furman* and *William Gural* for the State of New Jersey and the New Jersey Board of Public Utility Commissioners.

*Hon. Clifford P. Case, Hon. William Fitts Ryan, R. H. Vaughn, Florence C. Chick, James Farmer, J. Francis Pohlhaus, Carl Rachlin, Wyatt Tee Walker, James Lawson, Jr., Joseph Charles Jones, John H. Moody, Jr.,* and *Henry Thomas,* for themselves and other interested persons.

*Thomas J. McCluskey, Fred H. Figge, R. C. Hoffman, Jr., Clifford D. Cherry, John R. Sims, Jr., Gordon Allison Phillips, J. I. Gilliken,* and *Richard Fryling* for various respondents.

*Frederick S. Hill, Robert J. Corber,* and *Bertrand T. Fay* for motorbus associations.

*John E. Linstrom* for the Bureau of Inquiry and Compliance, Interstate Commerce Commission.

## REPORT OF THE COMMISSION ON ORAL ARGUMENT

BY THE COMMISSION:

This proceeding, instituted under part II of the Interstate Commerce Act and section 4 of the Administrative Procedure Act, upon petition of the Attorney General of the United States, brings before us for determination the lawfulness and propriety of certain regulations proposed by the Attorney General to implement further the provisions of the Interstate Commerce Act with respect to the non-segregated use of motor buses and related facilities operated and utilized in the interstate common carrier transportation of passengers. Our order instituting this proceeding set forth the regulations proposed; named as respondents all motor common carriers of passengers operating in interstate or foreign commerce within the United States subject to the act; and provided for the filing by interested persons of statements of facts, views, and arguments, and of replies thereto, all of which have been considered; and for oral argument, which has been held.

No one has challenged the procedure followed or requested oral hearing, and the facts concerning segregation practices disclosed by the record are not in dispute. In a reply statement, the Attorney General submitted certain clarifying amendments to the regulations which do not broaden the scope of his original proposal, and to which no objection was made by any of the parties. The proposed regulations as so amended are set forth in Appendix A hereto.

Briefly, it is the position of the Attorney General and those favoring his proposal that the decision in *Keys* v. *Carolina Coach Company,* 64 M.C.C. 769, and *Boynton* v. *Virginia,* 364 U. S. 454, call for further definitive action by us to implement fully the mandate against discrimination expressed in section 216(d) of the act; that conditions existing over a large portion of the nation make the establishment of the proposed regulations necessary; and that, although the act prohibits the racial segregation of interstate passengers, such regulations will facilitate the enforcement of the statutory prohibitions and eliminate the unjust discrimination alleged to have adversely affected the morale of Negro service personnel and the conduct of the United States' foreign relations.

The States of Alabama and Mississippi oppose prescription of any regulations. Generally the opposition otherwise is directed to specific provisions of the regula-

tions. Basically, the arguments advanced in opposition (1) challenge our power through the proposed regulations to control or affect intrastate commerce, (2) claim that regulations affecting interstate commerce are necessary because the Interstate Commerce Act now prohibits discrimination directed against interstate bus passengers, and (3) question the wisdom of prescribing general regulations applicable in areas where such unjust discrimination does not exist. The motor carrier respondents to whom the proposed regulations are directed, and whose operations would be directly affected, as a whole did not file factual representations. Their position is primarily one of overall opposition to the establishment of the regulations.

We have no doubt as to this Commission's power to promulgate regulations of the nature proposed. Section 216 (d), as pertinent here, provides:

> * * * It shall be unlawful for any common carrier by motor vehicle engaged in interstate or foreign commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person * * * in any respect whatsoever; or to subject any particular person * * * to any injust discrimination or any undue or unreasonable prejudice or disadvantages in any respect whatsoever * * *

While these provisions are usually enforced by orders entered, after opportunity for hearing, under section 216(e) requiring a particular carrier or carriers to cease and desist from discriminatory or prejudicial practices in which they are found to have been engaged, such procedure does not represent an exclusive remedy for the enforcement of the prohibitions contained in that section. The Commission has, in fact, exercised its rule-making power in this area. See *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467; 47 M.C.C. 119; 53 M.C.C. 177; 71 M.C.C. 113. Power to enforce provisions of part II of the Act by the promulgation of general rules or regulations is also conferred by section 204(a)(6). The nature and scope of the rule-making power there set forth were delineated by the Supreme Court in *American Trucking Associations* v. *United States*, 344 U. S. 289, 311 (1953), where it was held that our power under section 204(b)(6) is "coterminous with the scope of agency regulation" and "must extend to 'the transportation of passengers and property by motor vehicle engaged in interstate or foreign commerce and to the procurement of and the provision of facilities for such transportation,' regulation of which is vested in the Commission by §202(a)."

The record clearly establishes that discriminatory practices in violation of section 216(d) are being followed by the passenger-carrier respondents. Indeed it is not disputed on this record, and we so find, that in a substantial part of the United States many Negro interstate passengers are subjected to racial segregation in several forms. On vehicles, they continue to be subjected to segregated seating based upon race. In many motor passenger terminals, Negro interstate passengers are compelled to use eating, restroom and other terminal facilities which are segregated. In some instances, such racial segregation of interstate passengers is enforced by the carriers or their employees. In many cases, it has been enforced by local officials purporting to apply various State and local racial segregation laws and ordinances. Many terminals display signs which in various ways indicate racially designated facilities. Some signs appear to distinguish between intrastate and interstate passengers by means of such legends as "colored intrastate," "white

intrastate," and "interstate." Moreover, Negro interstate passengers are often required to establish affirmatively, as by producing a ticket, their interstate passenger status to avoid being subjected to racial segregation in the use of terminal facilities, a showing which is not required of white passengers.

Our experience in the administration of part II of the act also indicates the prevalence of these practices. It has been over five years since the Commission's decision in *Keys* v. *Carolina Coach Company, supra,* at which time it was our hope that carriers working in conjunction with State and local authorities would eliminate the last vestiges of segregation in interstate bus and terminal facilities. Contrary to our hope, many obstacles have frustrated the workings of the law. Since the decision in the *Keys* case and in *National Assn. for A.O.C.P.* v. *St. Louis-S. F. Ry. Co.,* 279 I.C.C. 335, the Commission has received approximately 100 informal complaints of racial discrimination. Following these decisions, an arrangement was made with the Department of Justice under which complaints alleging racial discrimination indicating violation of the Interstate Commerce Act are investigated by us; and similar complaints alleging discriminatory practices not appearing to constitute violations of the act are referred to the Civil Rights Division of the Department of Justice for appropriate action. Included in the latter category are complaints of discrimination practiced by carriers with respect to intrastate passengers and of discrimination encountered by interstate passengers due to the action of local or State officials acting under local or State statutes, as distinguished from acts of the carrier. In addition, if the facts developed by our investigation disclose that there is no violation of the act, the results of the investigation are furnished to the Department of Justice. As to cases in which discrimination in violation of the act is shown, the policy is to refer those cases to the appropriate United States Attorney with recommendations for appropriate action, usually criminal prosecution of the carrier and in some instances its responsible officials or employees. The Department of Justice is also informed of our action in those cases at the time of such reference.

The action taken with respect to these complaints, in accordance with the decisions of this Commission and the Federal Courts may be summarized as follows: 13 cases were closed without investigation because the complaints disclosed no violation of the act or because this Commission lacked jurisdiction in the matter; investigations disclosed in 16 cases that no violations of the act were involved; investigations in 17 cases disclosed that the discrimination resulted from actions of local police or others over whom this Commission had no jurisdiction; in 9 cases investigations disclosed insufficient evidence to warrant court action; in 15 instances investigations disclosed that the complaints were justified but that sufficient remedial action already had been taken by the carriers involved; and investigations in 10 cases disclosed evidence of violations of the act and these were referred to United States Attorneys with recommendations for criminal prosecution. However, the record here shows that segregation has been practiced on such a regular basis as to convince us that case-by-case action initiated by individual complaints under section 216(e), standing alone, is not an adequate remedy. Accordingly, we conclude that the prescription of general regulations directed to interstate motor common carriers of passengers over whom we have jurisdiction is warranted to supplement the remedy provided by section 216(e).

It is recognized that many bus operators subject to our jurisdiction have for reasons of efficiency combined their interstate operations with operations in intrastate commerce. Thus buses carrying interstate passengers also carry intrastate

passengers, and terminals used to accommodate interstate passengers are also utilized by intrastate passengers. The question is therefore presented whether any regulations which we may prescribe may lawfully be made to affect the transportation of intrastate passengers who are travelling in the same vehicle and at the same time as interstate passengers. In *Baldwin* v. *Morgan*, 287 F. 2d 750 (1961), a case presenting such a situation, the Court of Appeals for the Fifth Circuit held that it was discrimination violative of the Fourteenth Amendment and the Civil Rights Act to require a Negro interstate passenger to prove that he was an interstate passenger before he was permitted to use the interstate waiting room while not subjecting white passengers to the same treatment; and that the Negro plaintiffs were entitled to injunctive relief against the enforcement by local officials of waiting room segregation of intrastate passengers in the Birmingham, Ala., railroad station and to the elimination of any distinction between interstate and intrastate passenger status.

Similarly, the voluntary transportation by a passenger carrier of interstate and intrastate passengers on the same vehicle may not be offered as a justification for the separation on a racial basis of interstate passengers. Nor may interstate passengers using such common facilities be subjected to any inquiry as to whether they are traveling in intrastate or interstate commerce. Such practices would result in discrimination prohibited by section 216(d) .It is our view that to enforce the provisions of the act prohibiting unjust discrimination against interstate passengers it is necesary to prohibit the use in interstate operations of any vehicle or facility on which or in which segregation is practiced.

We have considered the proposed regulations in the light of the reservations of State jurisdiction contained in the act. Section 202(b) provides, as pertinent, that "Nothing in this part shall be construed * * * to interfere with the exclusive exercise by each State of the power of regulation of intrastate commerce by motor carriers on the highways thereof." And the concluding proviso of section 216(e) states:

> That nothing in this part shall empower the Commission to prescribe, or in any manner regulate, the rate fare or charge for intrastate transportation, or for any service connected therewith, for the purpose of removing discrimination against interstate commerce or for any other purpose whatever.

Since the proposed rules are limited to facilities operated in interstate commerce, or performing services connected therewith, we see no interference with the legitimate exercise of the exclusive jurisdiction of the States to regulate intrastate commerce. The fact that compliance with the rules may for economic reasons compel a carrier to provide nonsegregated facilities for its intrastate passengers as well as its interstate passengers, presents no legal impediment to the prescription of such rules as are necesary to remove unjust discrimination against interstate commerce. We conclude, therefore, that prescription of rules such as those proposed would not conflict with regulatory jurisdiction reserved to the States. Indeed, it has been held by the Federal Courts under the equal protection clause of the Fourteenth Amendment that the States have no power to regulate intrastate transportation by requiring the segregation of intrastate passengers on vehicles or in the use of terminal facilities. See *Baldwin* v. *Morgan, supra; Browder* v. *Gayle*, 142 F. Supp. 707, affirmed 352 U.S. 903; and *Morgan* v. *Virginia*, 328 U.S. 373.

Careful analysis and evaluation disclose that the purpose of the regulations

is one with which we are in substantial agreement. We are concerned, however, with certain features of the Attorney General's proposal.

Section 1 reads as follows:

> No interstate motor carrier of passengers shall as such operate vehicles on which the seating of passengers is based upon race, color, creed, or national origin.

This section would prohibit, in effect, the use of any bus to transport passengers in interstate commerce in which the seating of passengers is segregated by race, color, creed, or national origin. In other words, a carrier may not use a bus or other vehicle to transport interstate passengers, where *any* seat on such bus is assigned on the basis of race, color, creed, or national origin. The necessity for and our power to prescribe such a rule have been discussed in the foregoing and need not be further detailed here.

Section 2 would provide that:

> Every interstate motor carrier of passengers shall conspicuously display and maintain, in each vehicle which it operates as such, a plainly legible sign or placard containing the statement, "By order of the Interstate Commerce Commission, seating aboard this vehicle is without regard to race, color, creed, or national origin."

We believe that the posting of an appropriate notice aboard buses carrying interstate passengers is desirable since it will visibly serve to remind passengers of their legal rights and to inform the public unequivocally of the carriers' intention and duty to obey the law.

Respondents and others object to this as a general requirement on the principal ground that sign posting is not warranted except in the limited geographic areas where discrimination has been shown to exist. In this connection, however, it is pertinent to note that certificates of public convenience and necessity issued by us to companies domiciled outside the so-called affected areas authorize operations within as well as without those areas, and that in numerous instances—indeed, as an everyday operating matter—buses originating in one section of the country are used on "through schedules" to and through other sections. In the circumstances, we do not believe that any territorial limitation of the requirement is warranted.

We are not convinced at this time, however, that the problem sought to be met requires the prescription of this rule for an indefinite period and we are of the opinion, and find that such requirement should terminate one year from the effective date of our order herein, unless this Commission shall by subsequent order modify the time. We find also that concurrently with such termination of sign posting in vehicles, there shall become effective a requirement that every motor common carrier of passengers shall cause to be printed in each ticket sold by it for transportation on a vehicle operated in interstate or foreign commerce a plainly legible notice to the same effect as that described in section 2. Carriers may begin printing this notice on tickets as soon as they elect. While not as conspicuous as vehicle signs, the fact that each passenger possesses such assurance on the ticket as part of his contract for transportation should tend to protect the individual from harassment.

Section 3 of the proposed regulations, dealing with terminal facilities, would provide that:

> No interstate motor carrier of passengers shall provide, maintain arangements for, utilize, make available, adhere to any understanding for the availablity of, or follow any practice which includes the availability of, any terminal facilities which are so operated, arranged or maintained as to involve any separation of any portion thereof or in the use thereof on the basis of race, color, creed, or national origin. As used in this regulation the words "terminal facilities" mean all facilities including waiting room, rest room, eating, drinking and ticket sales facilities available to interstate passengers of motor carriers as a regular part of their transportation.

The meaning of the term "terminal facilities" affects not only section 3 but sections 4 and 5 of the proposed regulations as well. The definition of this term is phrased in the language of the Supreme Court in *Boynton* v. *Virginia, supra,* applying section 216(d). Also section 203(a)(19) provides that:

> The "services" and "transportation' to which this part applies include all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or of contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or property in interstate or foreign commerce or in the performance of any service in connection therewith.

In the consideration of this regulation, we are constrained on this record to be guided by the language of the Court in *Boynton* v. *Virginia, supra,* at pages 460-464, reading as follows:

> * * * And so here, without regard to contracts, if the bus carrier has volunteered to make terminal and restaurant facilities and services available to its interstate passengers as a regular part of their transportation, and the terminal and restaurant have acquiesced and cooperated in this undertaking, the terminal and restaurant must perform these services without discriminations prohibited by the Act. In the performance of these services under such conditions the terminal and restaurant stand in the place of the bus company in the performance of its transportation obligations. * * *
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> * * * * *
>
> All of these things show that this terminal building, with its grounds, constituted one project for a single purpose, and that was to serve passengers of one or more bus companies—certainly Trailways' passengers. * * * All of this evidence plus Trailways' use on this occasion shows that Trailways was not utilizing the terminal and restaurant services merely on a sporadic or occasional basis. This bus terminal plainly was just as essential and necessary, and as available for that matter, to passengers and carriers like Trailways that used it, as though such carriers had legal title and complete control over all of its activities. Interstate passengers have to eat, and the very terms of the lease of the built-in restaurant space in this terminal

> constitute a recognition of the essential need of interstate passengers to be able to get food conveniently on their journey and an undertaking by the restaurant to fulfill that need. Such passengers in transit on a paid interstate Trailways journey had a right to expect that this essential transportation food service voluntarily provided for them under such circumstances would be rendered without discrimination prohibited by the Interstate Commerce Act. * * *
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> * * * We are not holding that every time a bus stops at a wholly independent roadside restaurant the Interstate Commerce Act requires that restaurant service be supplied in harmony with the provisions of that Act. We decide only this case, on its facts, where circumstances show that the terminal and restaurant operate as an integral part of the bus carrier's transportation service for interstate passengers. * * *

It is difficult to envision a situation in which it would not be a violation of the proposed rules for a carrier operating its buses in interstate commerce on regular schedules and over regular routes to utilize any place of business as a regular rest or meal stop which provides the usual terminal facilities on a segregated basis. If the carrier volunteers to make the services available and those actually furnishing the services acquiesce and cooperate in this undertaking, the services must be furnished without discrimination. However, considering section 203(a)(19) and the *Boynton* case together, as we must, it seems clear that proposed rule 3 would not be applicable, for example, to every independently operated roadside restaurant at which a bus stops solely to pick up or discharge occasional passengers, or to every independently operated corner drug store which sells tickets for a motor carrier. In determining what type of terminal facility is contemplated by the act and will be subject to the regulations adopted herein, we believe that not only physical characteristics but service characteristics as well should be considered. To illustrate, where a carrier's ticket agent does nothing more for the benefit of the carrier's passengers than sell tickets and post schedules, we would not consider his place of business to be a terminal facility which a motor carrier makes available to passengers of a motor vehicle operated in interstate or foreign commerce as a regular part of their transportation. On the other hand if in addition to selling tickets, the agent offers or provides terminal services and facilities for the comfort and convenience of interstate passengers, such as a public waiting room, rest room, or eating facilities, it would appear that the premises where these services and facilities are made available should be considered as part of the carrier's terminal facilities.

Proposed section 4 of the regulations reads as follows:

> As used in the preceding section the word "separation" includes, among other things, the display of any sign indicating that any portion of the terminal facilities are separated, allocated, restricted, provided, available, used, or otherwise distinguished, on the basis of race, color, creed, or national origin.

This regulation, when read in conjunction with section 3, would prohibit a carrier from utilizing in interstate commerce any "terminal facility" in which there ap-

pears a sign designating facilities for the separate use of the races. The mere presence of such a sign would be enough to prohibit a carrier from utilizing the facility in interstate commerce.

Section 5 would provide that:

> No interstate motor carrier of passengers shall provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, or follow any practice which includes the availability of, any terminal facilities in which there is not conspicuously displayed and maintained so as to be readily visible to the public a plainly legible sign or placard containing the full text of this regulation. Such a sign or placard shall be captioned, in large black type, "PUBLIC NOTICE: Requirements of Law for Terminal Facilities and Stops of Interstate Motor carriers of Passengers, by Authority of the Interstate Commerce Commission of the United States Government."

There is justification for requiring that a notice be posted at "terminal facilities" utilized by carriers for the reasons explained in connection with rule 2. Such action will constitute notice to all concerned that segregation may not be practiced in interstate terminal facilities.

The sixth section of the proposed regulations provides that:

> Nothing in this regulation shall be construed to relieve any interstate motor carrier of passengers of any of its obligations as such under the Interstate Commerce Act or its certificate(s) of public convenience and necessity.

This section would make it clear that respondents are not to be relieved of any obligations under the act, and we believe that its adoption is justified. The duty to provide service to the public and to provide for the safety and comfort of passengers will not be altered by the adoption of the proposed regulations. A carrier may still exercise necessary reasonable control over its passengers as, for example, in the ordinary request made by the driver of a crowded coach to "move to the rear of the aisle" or "step behind the 'safety line' ". It is not the purpose of the regulations to change any lawful functions of a carrier. A carrier may continue under the prescribed regulations to provide a bona fide reserved-seat service, or continue to offer its equipment for the exclusive use of charter parties, provided, of course, that in so doing it engages in no discriminatory practices.

Section 7 of the proposed regulations would provide that:

> Every interstate motor carrier of passengers shall report to the Interstate Commerce Commission, within fifteen (15) days of its occurrence, any interference by any person, municipality, county, parish, State or body politic, with its observance of the requirments of law, including this regulation. Such report shall include a statement of the actions that such carrier may have taken to eliminate any such interference.

This regulation would require respondents to report to this Commission any interference by others with their observance of the regulations. Our power to prescribe a rule in this area is found in section 204(a)(7) and 220(a) of the act. We believe this regulation is a logical substantive aid to enforcement of the requirements of the act, and will inform local officials and others of the

requirement which the Interstate Commerce Act places upon interstate motor carriers of passengers to refrain from unjust discriminatory practices.

The proposed regulations are worded so as to apply to "interstate motor carriers of passengers." Our order instituting this proceeding and our discussion herein have dealt only with motor *common* carriers of passengers because of the fact that section 216(d) is directed to common carriers. Accordingly, the regulations prescribed will reflect this statutory limitation. Similarly, our jurisdiction does not extend to the operations of an interstate carrier when such a carrier is transporting no interstate passengers and its vehicle is, in fact, engaged exclusively in intrastate commerce. We believe that the use of words "as such" in sections 1 and 2 of the proposed regulations reflects this limitation, but the regulations prescribed will be appropriately clarified. Other necessary minor changes have also been made. Several other modifications of the regulations have been suggested by the parties. To the extent that these suggestions, including the definition of "terminal facilities" proposed by respondents and the requested exemption from these regulations of charter bus operations, are not incorporated or discussed in our conclusions or findings, they have been considered by us and found to be impractical or unnecessary. The regulations, amended in accordance with the foregoing discussion, are set forth in Appendix B.

In summary, we are prescribing in this proceeding substantive regulations further implementing the prohibitions of the act, as construed by the Courts and this Commission, designed to eliminate unjust discrimination resulting from segregation of interstate passengers by bus operators subject to our jurisdiction. Obviously, we cannot anticipate the precise effect of application of the regulations to each and every factual situation that may arise, but the regulations should make clear to respondents and others the rights of passengers under the Interstate Commerce Act.

We find, in view of the perisistence and prevalence of the practices described in the foregoing, that requiring certain interstate passengers to establish their interstate passenger status, while not requiring such a showing by other such passengers, constitutes in itself an unjust discrimination, undue prejudice and disadvantage, forbidden by Section 216(d) of the Interstate Commerce Act against interstate passengers subjected to such identification requirements; that in order to prevent discrimination, preference, and prejudice among interstate passengers, it is necessary to prohibit discrimination, preference, and prejudice in connection with the operation by respondents of motor vehicles in interstate or foreign commerce with respect to both interstate and intrastate passengers; that the rules which we prescribe in this proceeding are necessary to eliminate discrimination and prejudice prohibited by Section 216(d); and that the regulations (49 C.F.R. 180a(1) et seq.) set forth in Appendix B hereto are reasonable, necessary, and lawful, and that they should be adopted and made effective in accordance with the terms of the attached order.

An appropriate order will be entered.

## APPENDIX A
## THE PROPOSED REGULATIONS AS AMENDED

Section 1: No interstate motor carrier of passengers shall as such operate vehicles on which the seating of passengers is based upon race, color, creed, or national origin.

Section 2: Every interstate motor carrier of passengers shall conspicuously display and maintain, in each vehicle which it operates as such, a plainly legible sign or placard containing the statement, "By order of the Interstate Commerce Commission, seating aboard this vehicle is without regard to race, color, creed, or national origin."

Section 3: No interstate motor carrier of passengers shall provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, or follow any practice which includes the availabiltiy of, any terminal facilities which are so operated, arranged or maintained as to involve any separation of any portion thereof or in the use thereof of the basis of race, color, creed, or national origin. As used in this regulation the words "terminal facilities" mean all facilities including waiting room, restroom, eating, drinking and ticket sales facilities available to interstate passengers of motor carriers as a regular part of their transportation.

Section 4: As used in the preceding section the word "separation" includes, among other things, the display of any sign indicating that any portion of the terminal facilities are separated, allocated, restricted, provided, available, used, or otherwise distinguished, on the basis of race, color, creed, or national origin.

Section 5: No interstate motor carrier of passengers shall provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, or follow any practice which includes the availability of, any terminal facilities in which there is not conspicuously displayed and maintained so as to be readily visible to the public a plainly legible sign or placard containing the full text of this regulation. Such a sign or placard shall be captioned, in large black type, "PUBLIC NOTICE: Requirements of Law for Terminal Facilities and Stops of Interstate Motor Carriers of Passengers, by Authority of the Interstate Commerce Commission of the United States Government."

Section 6: Nothing in this regulation shall be construed to relieve any interstate motor carrier of passengers of any of its obligations as such under the Interstate Commerce Act or its certificate(s) of public convenience and necessity.

Section 7: Every interstate motor carrier of passengers shall report to the Interstate Commerce Commission, within fifteen (15) days of its occurrence, any interference by any person, municipality, county, parish, State or body politic, with its observance of the requirements of law, including this regulation. Such report shall include a statement of the actions that such carrier may have taken to eliminate any such interference.

## APPENDIX B
## THE REGULATIONS ADOPTED

(1) *Discrimination prohibited.* No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall operate a motor vehicle in interstate or foreign commerce on which the seating of passengers is based upon race, color, creed, or national origin.

(2) *Sign to be posted in vehicles.* Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall conspicuously display and maintain, in all vehicles operated by it in interstate or foreign commerce, a plainly legible sign or placard containing the statement: "Seating aboard this vehicle is without regard to race, color, creed, or national origin, by order of the Interstate Commerce Commission." This section shall cease to

be effective on January 1, 1963, unless such time be further extended by the Interstate Commerce Commission.

(3) *Notice to be printed on tickets.* Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall cause to be printed on every ticket sold by it for transportation on any vehicle operated in interstate or foreign commerce a plainly legible notice as follows: "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin." This section shall be applicable to all tickets sold on or after January 1, 1963.

(4) *Discrimination in terminal facilities.* No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operations of vehicles in interstate or foreign commerce provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, or follow any practice which includes the availability of, any terminal facilities which are so operated, arranged, or maintained as to involve any separation of any portion thereof, or in the use thereof on the basis of race, color, creed, or national origin.

(5) *Notice to be posted at terminal facilities.* No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce, utilize any terminal facility in which there is not conspicuously displayed and maintained so as to be readily visible to the public a plainly legible sign or placard containing the full text of these regulations. Such sign or placard shall be captioned: "Public Notice: Regulations Applicable to Vehicles and Terminal Facilities of Interstate Motor Common Carriers of Passengers, by order of the Interstate Commerce Commission."

(6) *Carriers not relieved of existing obligations.* Nothing in this regulation shall be construed to relieve any interstate motor common carrier of passengers subject to section 216 of the Interstate Commerce Act of any of its obligations under the Interstate Commerce Act or its certificate(s) of public convenience and necessity.

(7) *Reports of interference with regulations.* Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act operating vehicles in interstate or foreign commerce shall report to the Secretary of the Interstate Commerce Commission, within fifteen (15) days of its occurrence, any interference by any person, municipality, county, parish, state, or body politic with its observance of the requirements of these regulations. Such report shall include a statement of the action that such carrier may have taken to eliminate any such interference.

(10) *Definitions.* For the purposes of these regulations the following terms and phrases are defined:

(a) *Terminal facilities.* As used in these regulations the term "terminal facilities" means all facilities, including waiting room, rest room, eating, drinking, and ticket sales facilities which a motor common carrier makes available to passengers of a motor vehicle operated in interstate or foreign commerce as a regular part of their transportation.

(b) *Separation.* As used in section 4 of these regulations, the term "separation" includes, among other things, the display of any sign indicating that any portion of the terminal facilities are separated,

allocated, restricted, provided, available, used, or otherwise distinguished on the basis of race, color, creed, or national origin.

TITLE 49 — TRANSPORTATION
CHAPTER I — INTERSTATE COMMERCE COMMISSION
SUBCHAPTER B — CARRIERS BY MOTOR VEHICLE
PART 180a — REGULATIONS GOVERNING DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR COMMON CARRIERS OF PASSENGERS

## DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR CARRIERS OF PASSENGERS

### ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 22nd day of September, A. D. 1961.

*It appearing,* That upon consideration of a petition, filed May 29, 1961, by the Attorney General of the United States, on behalf of the United States, and for good cause shown, the Commission, by notice and order entered June 19, 1961, instituted the above-entitled proceeding under Part II of the Interstate Commerce Act (more specifically including sections 204(a)(6), 204(c), 216, and 220 of the said act) and section 4 of the Administrative Procedure Act to determine the lawfulness of certain regulations proposed by the petitioner designed to eliminate discrimination on the basis of race, color, creed, or national origin, in the operations of interstate motor carriers of passengers, and to determine further whether the facts and circumstances require or warrant the making of the proposed regulations or other regulations of similar purport applicable to motor common carriers of passengers operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require;

*It further appearing,* That the said notice and order entered June 19, 1961, made all motor common carriers of passengers operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act respondents in this proceeding; that a copy of the said notice and order was served on all respondents' and that notice to other interested persons was given through publication of the said notice in the Federal Register (26 F.R. 5530);

*And it further appearing,* That the Commission, on the date hereof, has made and filed its report on oral argument herein setting forth the basis for its conclusions and its findings with respect to the said petition, which report is hereby referred to and made a part hereof, and good cause appearing therefor:

*It is ordered,* That 49 C.F.R. be, and it is hereby, amended by adding thereto Part 180a as follows:

### 180a REGULATIONS GOVERNING DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR COMMON CARRIERS OF PASSENGERS

Sec.

1. Discrimination prohibited.
2. Sign to be posted in vehicles.
3. Notice to be printed on tickets.

4. Discrimination in terminal facilities.
5. Notice to be posted at terminal facilities.
6. Carriers not relieved of existing obligations.
7. Reports of interference with regulations.
10. Definitions.

180a(1) *Discrimination prohibited.* No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall operate a motor vehicle in interstate or foreign commerce on which the seating of passengers is based upon race, color, creed, or national origin.

180a(2) *Sign to be posted in vehicles.* Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall conspicuously display and maintain, in all vehicles operated by it in interstate or foreign commerce, a plainly legible sign or placard containing the statement: "Seating aboard this vehicle is without regard to race, color, creed, or national origin, by order of the Interstate Commerce Commission." This section (49 C.F.R. 180a(2)) shall cease to be effective on January 1, 1963, unless such time be further extended by the Interstate Commerce Commission.

180a(3) *Notice to be printed on tickets.* Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall cause to be printed on every ticket sold by it for transportation on any vehicle operated in interstate or foreign commerce a plainly legible notice as follows: "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin." This section (49 C.F.R. 180a(3) shall be applicable to all tickets sold on or after January 1, 1963.

180a(4) *Discrimination in terminal facilities.* No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, any terminal facilities which are so operated, arranged, or maintained as to involve any separation of any portion thereof, or in the use thereof on the basis of race, color, creed, or national origin.

180a(5) *Notice to be posed at terminal facilities.* No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce utilize any terminal facility in which there is not conspicuously displayed and maintained so as to be readily visible to the public a plainly legible sign or placard containing the full text of these regulations. Such sign or placard shall be captioned "Public Notice: Regulations Applicable to Vehicles and Terminal Facilities of Interstate Motor Common Carriers of Passengers, by order of the Interstate Commerce Commission."

180a(6) *Carriers not relieved of existing obligations.* Nothing in this regulation shall be construed to relieve any interstate motor common carrier of passengers subject to section 216 of the Interstate Commerce Act of any of its obligations under the Interstate Commerce Act or its certificate(s) of public convenience and necessity.

180a(7) *Reports of interference with regulations.* Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act operating vehicles in interstate or foreign commerce shall report to the Secretary of the Interstate Commerce Commission, within fifteen (15) days of its occurrence, any interference by any person, municipality, county, parish, state, or body politic

with its observance of the requirements of these regulations. Such report shall include a statement of the action that such carrier may have taken to eliminate any such interference.

180(a)(10) *Definitions.* For the purpose of these regulations the following terms and phrases are defined:

(a) *Terminal facilities.* As used in these regulations the term "terminal facilities" means all facilities, including waiting room, rest room, eating, drinking, and ticket sales facilities which a motor common carrier makes available to passengers of a motor vehicle operated in interstate or foreign commerce as a regular part of their transportation.

(b) *Separation.* As used in section 4 of these regulations, the term "separation" includes, among other things, the display of any sign indicating that any portion of the terminal facilities are separated, allocated, restricted, provided, available, used, or otherwise distinguished on the basis of race, color, creed, or national origin.

[52 Stat. 1237, 49 U.S.C. §304(a)(6)]

*It is further ordered,* That this order shall become effective November 1, 1961, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

HAROLD D. MCCOY, Secretary.

(SEAL)

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MEMBERSHIP COMMITTEE *workers of the Jersey City branch at a recent membership luncheon, Jersey City, N. J. The Jersey City branch recently conducted a successful voter-registration campaign.*

■ A report on the aims and some of the recent activities of a Washington civic group

# The Women's Civic Guild of Washington, D.C.

*By Theresa W. Brown*

TEN years ago, March 19, 1951, six women met at the home of Mrs. Virginia R. McGuire, Washington, D. C., to discuss organizing a group to support the local branch of the NAACP. Mrs. McGuire, a dedicated "servant of the people," who for many years had given her time and her dynamic and imaginative leadership to numerous civic organizations, was convinced that the District of Columbia branch of the NAACP would profit immeasurably from the assistance that the organized efforts of an interested, indefatigable, and civic-minded group of women could provide. By the close of the meeting, the women had decided to form a group, the purpose of which would be to secure memberships for the NAACP and to raise money for the local branch of that organization and for Freedmen's Hospital. When the plan was presented to the officials of Freedmen's and of the NAACP, it was received with enthusiasm.

Subsequent discussion and planning culminated in a meeting two months later, June 19, 1951, in which the original six had increased to thirty-two. At this time the group was formally organized and the name and purpose definitely stated. As a non-profit group working for worthy community projects each year, the women decided to be known as the Women's Civic Guild for the District of Columbia Branch of the NAACP. The purpose of the organization was to secure members for NAACP and to raise funds to promote the legal program of the NAACP and to aid "other civic and/or community organizations as selected by the Guild."

The officers of the group having been decided upon, Mrs. McGuire

DR. THERESA W. BROWN is chairman of the division of English speech of the District of Columbia Teachers College.

was unanimously elected chairman, a position she very ably filled until she withdrew because of ill health in January, 1955. In testimony of the high respect in which she was held by the members, Mrs. McGuire was later made *President Emeritus.*

Further activity of the 1951 meeting established details concerning membership requirements with the special provision that prospective members contrive to represent a cross section of the community and that meetings be bi-monthly from September through May; thereupon the group set up the machinery for launching its initial activity.

Early in Guild history it became necessary to clarify the group's relationship to the local branch of the NAACP. The question at issue was whether the Guild should be an auxiliary of the branch and therefore subject to branch direction or whether it should function as a separate organization and work for the local branch as well as the national group. After prolonged discussion, the Guild decided to function as an independent organization and the name was changed to the Women's Civic Guild of the District of Columbia. The change in name, however, did not alter the purpose of the group.

To realize this purpose the Guild has sponsored many projects. In the fall of 1951 the group made its *debut* upon the Washington scene with a card party. Although the members have subsequently sponsored many activities from which larger sums have been realized, they still speak with feeling about their initial project and recall with emotion their joy at its success. The planning and the re-planning, the last minute changes and the disappointments, the aching limbs and "bursting heads" they now know to be an inextricable part of any new project, and the rewards for their efforts were, therefore, immensely gratifying. From the profits of the card party $370 was presented to Freedmen's Hospital to purchase equipment for the children's wards and $400 to the Legal Redress Fund of the NAACP.

Since 1951 the Guild has fostered various projects as money raising endeavors. Among the most profitable of these have been a car raffle, a Halloween party, a bazaar, a theater lobby, and, for the last two years, a Christmas fair. One year each

MEMBERS *of The Women's Civic Guild Washington, D. C.*

BAZAAR *planning committee of the Women's Civic Guild: from L, Mrs. Dorothy DeLeon, Mrs. Avis Terry, Mrs. Eva Francis, Mrs. Marie Smith, Mrs. Grace Robinson, and Mrs. Alma Hawkins.*

member agreed to raise twenty dollars through individual activities. Working in groups or alone, the members showed unusual ingenuity in the different schemes they employed to meet their responsibilities. More than $10,000 has been cleared through such fund raising plans, all of which has been used to further the aim of the organization. The Guild has contributed more than $3,500, both locally and nationally, to promote the "battle for democracy" being fought by the NAACP.

In 1956, for example, $1,000 was given to the national office of the NAACP for the Freedom Fund to aid the legal fight for desegregation in public education. Likewise, the local branch has received support for its Redress Fund and for the many causes which from time to time have demanded the attention and the support of all fair minded citizens. For example, at the time that the Guild was organized, the local branch of the NAACP received the sympathetic support of the Guild in its efforts to integrate the recreational facilities of the city.

Further, in keeping with its purpose to aid worthy civic and community organizations, the Guild has selected each year one or more organizations to receive help. A definite plan is followed in making the selections. Members are requested to submit names of worthy organizations to the Guild Committee on Community Projects. This committee then investigates each of the suggestions and submits its findings to the Guild for the final selection.

From the beginning, Freedmen's Hospital was singled out and substantial contributions made for the purchase of equipment that the officials indicated was sorely needed. So faithful and so consistent has the Guild been in this regard that it has received a letter of commendation from the Awards Board of Freedmen's Hospital as well as a certificate of appreciation from the Department of Health, Education, and Welfare. Cognizant of the importance of directed recreational activities in the prevention of juvenile delinquency, the Guild has supported two agencies dedicated to that purpose: the Colum-

MEMBERS *of the Guild selling outgrown children's clothing.*

bia Heights Boys Club, the only integrated boy's club in the District, and the Baker's Dozen Youth Center, a neighborhood house in a precinct where scores of children desperately need the refuge, understanding, and direction such a plan can provide. In addition, the Washington Urban League, the Iona Whipper Home for Unwed Mothers, and the Merriweather Home for Children have been singled out for financial assistance. This year, 1961, a $1,000 contribution has gone to Children's Hospital for the care of indigent children and $500 to the NAACP for the purchase of a life membership.

From the beginning, a main objective of the Guild has been to collect memberships for the NAACP. A standing committee of the organization, therefore, is that on NAACP membership. The function of this committee is to see that all Guild members pay their NAACP dues, to organize Guild members so as to promote effectively the securing of new members by the group, to keep a record of such members obtained each year so that they can be reached in succeeding years, and to present the memberships to the person from the NAACP designated for that purpose. The effectiveness with which

this committee has successfully performed its function is seen from the records.

**NAACP MEMBERSHIP DRIVES**

| Year | Members | |
|---|---|---|
| 1952 | 389 | $ 1550.00 |
| 1953 | 254 | 709.50 |
| 1954 | 265 | 782.50 |
| 1955 | 492 | 1079.00 |
| 1956 | 661 | 2183.00 |
| 1957 | 565 | 1826.75 |
| 1958 | 589 | 2415.50 |
| 1959 | 665 | 2731.50 |
| 1960 | 919 | 3717.00 |
| | | $16,894.75 |

Such a record speaks for itself. It is impossible, however, in a summary such as this to do justice to what the Women's Civic Guild of Washington, D. C. has accomplished in ten years. No less important than the sums contributed to worthy civic organizations and the membership obtained for the NAACP is the synthesizing effect upon the community of this unusual organization. That individuals and business, professional, and social groups have enthusiastically supported each project is evidence of the purposeful community cohesion effected by the Guild. In deeds, not words, the Guild has given affirmation to its conviction that each man is his brother's keeper. Thus, the community has accepted the truth of this philosophy by welcoming the motivation to lend financial assistance to the work of the Women's Civic Guild of Washington, D. C.

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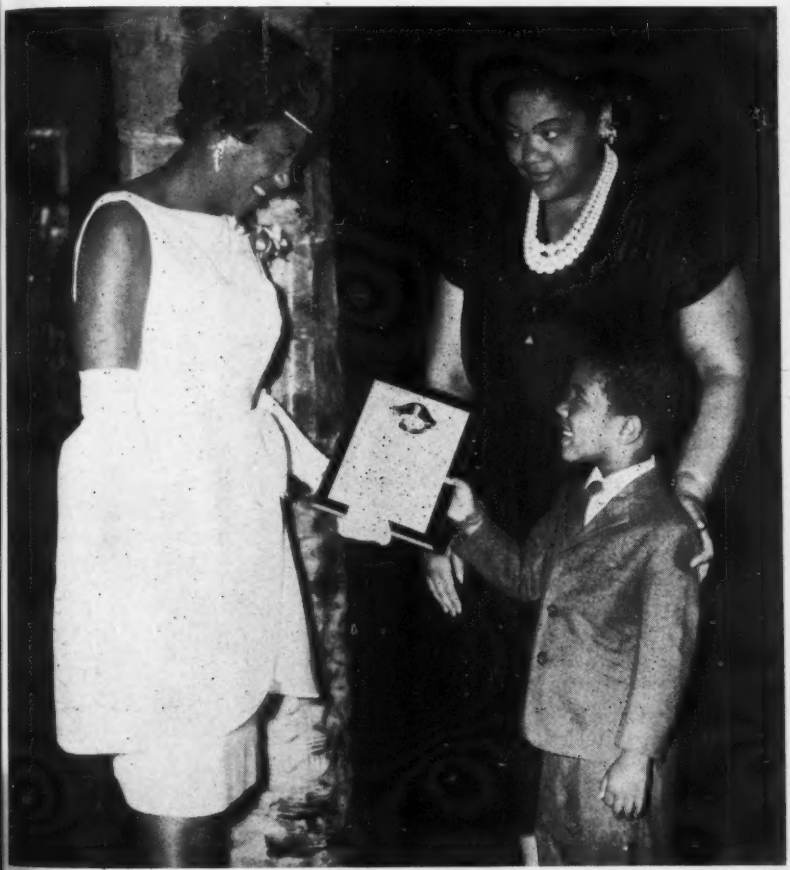
SPEAKERS *table at the Freedom Fund Dinner of the Fairmont, West Va., branch. The dinner was given in one of the leading local restaurants.*



"LADIES AND GENTLEMEN: *To the president of the club I present their NAACP life membership plaque," announced 5-year-old Reginald Clark Cox, son of Joseph Mason Cox, when the Alethean Club of New York City paid in full for its life membership. Club president Mrs. Louise Boyd receives the plaque as Mrs. Cox assists her son in the presentation. Mrs. Cox is herself an NAACP life membership subscriber.*

*Wide World*

**THURGOOD MARSHALL** *poses with his family in his New York City apartment after being nominated for the second circuit court of appeals by President Kennedy. With Mr. Marshall are his wife, Cecilia, and his two children, Thurgood Jr. (R), 5, and John, 3.*

# Marshall Nomination Hailed by Wilkins

THE nomination of Thurgood Marshall to be a judge of the United States Second Circuit Court of Appeals has been hailed by NAACP Executive Secretary Roy Wilkins, a longtime associate of Mr. Marshall's in the fight for freedom, as "a highly significant and well-merited appointment."

The appointment, Mr. Wilkins said, "is a tribute to Mr. Marshall's brilliant performance as the nation's foremost civil-rights lawyer. It is also an indication that leadership in the fight for freedom is no bar to high public office."

The veteran civil-rights attorney, Mr. Wilkins asserted, "carries to his new position extraordinary experience in the federal courts, a wealth of knowledge of federal procedures, and a breadth of understanding rare even among the country's most outstanding and successful lawyers. This understanding will help to make him a good judge for all Americans of whatever race or station.

"He carries, also, the good wishes of his legion of friends and admirers, including 20,000,000 Negro Americans whose aspirations for first class citizenship he voiced so eloquently in his pleadings and victories at the bar.

"Those of us who have been privileged to work with him for more than two decades in the struggle for human rights and dignity will miss his dedication, his wise counsel, and his unflagging devotion and courage. Our loss is the nation's gain in which all of us have a share." Mr. Marshall was sworn in in New York City on Monday, October 23, 1961.

Since the Senate has adjourned for this session, Mr. Marshall's nomination will not be acted upon until next January when it will go before the Senate Judiciary Committee, of which Senator James O. Eastland (D., Miss.) is chairman. After consideration by the committee, the nomination will go before the entire Senate for confirmation.

**For A More MEANINGFUL**

# Christmas

**Give a LIFETIME gift—a**

# LIFE MEMBERSHIP

## in NAACP

The cost—only $500, with budget installments of as little as $50 per year over a 10-year period, if you wish. The reward—the knowledge that you have made a truly sacrificial gift to the organization dedicated to the task of securing equal rights, equal opportunity, for all.

## LIFE MEMBERSHIP COMMITTEE

KIVIE KAPLAN DR. BENJAMIN E. MAYS JACKIE ROBINSON

### Co-Chairmen

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Nathaniel Colley
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Ike Smalls
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Frederick N. Weathers
Mrs. Pauline Weeden

I wish to enroll.....

as a LIFE MEMBER of NAACP.

☐ I enclose $500 as full payment.

☐ I enclose $50 as first of ten annual installments of this amount.

My name.....

Address.....

City and State.....

*Send this Membership Coupon to your Local Branch or to*

**NAACP HEADQUARTERS**

**20 W. 40th St. New York 18, N. Y.**

# Looking and Listening . . .

## AFRICA WEEK

SAN FRANCISCO, CALIFORNIA, went all out to host, during Africa Week, September 17-23, 16 newly emerging nations of Africa. This was the first time such an idea had been tried in the United States.

More than two hundred leading citizens of San Francisco, representing a cross-section of the racial and religious segments of the City, worked together to bring greater awareness to the West Coast and to the nation of the importance of the continent of Africa. Among the highlights of the week-long events in San Francisco, birthplace of the United Nations, was an address by the Honorable Jaja Wachuku, Nigeria's Minister of Foreign Affairs and Commonwealth Relations, who called the "participation by the twenty million Americans of African descent in the mainstreams of American life," a base for continued good relations between Africa and the United States.

## "A FOOT IN THE DOOR"

THIS interesting item comes from one of our *Crisis* readers:

Recently, in a large California city, one of those rare foot-in-the-door steps toward integration occurred in a quiet, barely noticed manner.

Although none of the participants wished any publicity about the event, it nevertheless represents such a positive, heartwarming result that the story should be told. Somewhere, somehow—a similar set of circumstances and combination of good will may happen again. Another foot may be planted in another door.

Mr. and Mrs. J.D., a well-educated, highly cultured Negro couple, had been attending church and participating in religious education activities of a good-sized, predominately white congregation for many years. They were living in the usual segregated area of any northern city, and their three children attended the school of their district, which were less than adequate for the couple's considerably higher aspirations for educating their children.

Besides, they were appalled with the growing problem of delinquency and the evidence of submoral standards among their neighbors. Although they wanted to move into a better neighborhood, they naturally had a small area of choice.

Their own efforts had led nowhere when their problem became known to some of the members of their church. Deciding to take a definite step, co-students of their church-class—an active group of young married people (all white)—discussed the matter with their teacher, a middle-aged woman of high ethics, with a vibrantly warm heart and strong determination.

Mrs. L. decided to act. She inserted the following 'ad' in one of the city's daily newspapers:

'Is there any person with a house for sale who is concerned with integration? A Negro family, three children, intelligent, excellent character, are members of our predominately white church. We seek to help them locate in a good, inte-

*Wide World*

ON WAY TO SCHOOL—*Three of the Negro children who entered previously all-white Bruce School, Memphis, Tenn. They are (from L) Harry Williams, Michael Willis, Dwania Kyles. Mrs. Williams talks to a newsman in background.*

grated or mainly white neighborhood. Can you help? Call to discuss.'

Although there were only three calls in response, one of them led to the desired end. The J.D.s are now happily situated in a large house in an all-white neighborhood. Their children are going to first-rate schools,—excellently suited to their ambitions and exceedingly high IQs. The family has been well-accepted by their new neighbors who, on moving day, watched the entire class pitching in with that chore.

How was this accomplished?

Let's go back to the 'ad.' One of the three calls came from a Negro real estate woman who told Mrs. L that she had been commissioned to sell a home for a client who had bought it from an estate. The client was white.

Mrs. L.'s heart beat a little faster when she heard that the seller (who had purchased the house to re-sell at a profit) had instructed the real estate woman to sell to a Negro family. An ardent and practical protagonist of integration, Mr. R. saw an ideal chance

to take a measured step forward. He was, of course, aided by the fact, that he was not the original owner and was thus free of the usual onus of 'doing this to my neighbors.'

The house, when shown to the J.D.s, was what they wanted. It was spacious, clean, in good repair and had a fine yard. The proximity of good schools was an even greater "plus." But it was too expensive. Mr. and Mrs. D. felt that they could not possibly afford the large down payment, along with the sizeable monthly lay-out.

But here again, good will and determination won out. First, Mr. R. allowed a reduction in the selling price, taking a cut in the profit he had anticipated. Then, Mrs. L. offered the Ds a loan to bridge the difference between what they were able to pay and the new price of the house. Because she asked for only 3 per cent interest, the couple was able to accept her generosity. They bought the house.

No newspaper story announced the action, no commentator hailed its success. Neither were there any hostile voices raised. Those taking part in the action are breathing easier and joyfully count the blessings that came their way as the events unfolded.

## COLORED EDITOR

THIS item is from the *Manchester Guardian Weekly* (September 14, 1961):

Women editors of other than women's magazines are rare and African editors of English magazines are rarer. The editor of the revived Strand Magazine —to be known as the New Strand and due out in November—is an African woman. Miss Noni Jabavu. She is a Xhosa from South Africa and the African equivalent to a member of one of our high intellectual families. Her grandfather founded, well before the Boer War, the first African newspaper in South Africa and her father was a professor at Fort Hare College, where he pleasingly combined the chairs of Latin and of Bantu languages. As if to make the analogy closer Miss Jabavu is married to a Cadbury.

She has been appointed, however, not because of her dynastic connections but because of her work as a writer and journalist. Her autobiography 'Drawn in Colour' came out last year: it gives an uncommon picture of an individual strraddling two cultures, the one no less complex than the other.

## INTEGRATION IN NURSING

THIS editorial from *Nursing Outlook* (September 1961) points up the progress that has been made by the Negro nurse:

This year marks the tenth since the dissolution of the National Association of Colored Graduate Nurses—an organization that was founded in 1908 to deal with problems of Negro nurses in the United States. Mabel K. Staupers relates the history of NACGN in her book, 'No Time for Prejudice'. . . . In telling the NACGN story, Mrs. Staupers, of necessity, refers to strides that individual Negro nurses have made in nursing in general, and they are highly significant. But we feel that a report of the Negro's progress in nursing education should be emphasized because education underlies every kind of nursing service.

Because most schools of nursing today do not record the race of their students or faculty, it is impossible to determine just how many Negro students are enrolled, or how many Negro faculty members are employed. We do know, however, that the vast majority of the 1,152 schools of professional nursing in this country state that it is their policy to accept all qualified students, regardless of race. A few of these institutions are located in the South and were once all-white schools, such as, the Medical

College of Virginia in Richmond, the University of Oklahoma, some hospital schools in Oklahoma and Missouri.

Of the 172 colleges and universities that conduct baccalaureate programs in nursing and the 57 that conduct associate degree programs, we know that many of the predominantly white ones have, or have had, Negroes on the faculties. Among these schools are Wayne State University, Teachers College of Columbia University in New York, University of California at Los Angeles, Syracuse University, University of South Dakota, University of Minnesota, New York University, Cornell University, Skidmore College, University of Oklahoma, Queens College, Adelphi College, Boston University, and New York City Community College.

We also know that several state boards of nursing now have, or have had, Negro nurses either on their boards or on their professional staff: New York, Arizona, California, and the District of Columbia.

Not only did Negro nurses recognize a decade ago that there was no longer a need for an all-Negro national organization, but also that there was not the same need for segregated schools of nursing. The four all-Negro schools in the North and the 29 in the South that existed at that time served a real purpose when the doors of most of the other schools of nursing in the North and all in the South were closed to them. Today, because of the many integrated schools, this need is no longer as great and many of the all-Negro schools, North and South have closed their doors.

Without fanfare, the nursing profession integrated. In fact, it was the first profession to take this all-important step. And since that time, several other professions have sought consultation from the nurses who brought it about and have followed suit. True, much more has to be done to accomplish all of the goals of NACGN. The Negro nurse is still not accepted completely in the mainstream of nursing education. But if the next decade is as fruitful as the first, the future for full integration in nursing looks very bright, indeed.




*Mary Bradford, "Membership Queen" of the Colorado Springs, Colo., youth council.*

# Along the N.A.A.C.P. Battlefront

## NAACP DECRIES RANDOLPH CENSURE

ROY WILKINS branded the AFL-CIO "censure" of A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters and the only Negro vice-president of the labor federation, as "an incredible cover-up."

*The complete text of Mr. Wilkins' statement follows:*

The National Association for the Advancement of Colored People believes that the AFL-CIO's 'censure' of A. Philip Randolph is an incredible cover-up. The so-called report made to the Federation's Executive Council by a three-man subcommittee is simply a refusal to recognize the unassailable facts of racial discrimination and segregation inside organized labor, as well as an evasion on the part of the AFL-CIO leadership of its own responsibility in fighting racism within affiliated unions.

The perfume used by the AFL-CIO to try to smother the malodorus racism in labor's ranks fades before the ironic fact that the spokesman for the Executive Council's Subcommittee which rebuked Mr. Randolph was George M. Harrison, president of the Brotherhood of Railway Clerks, an international union which, for over half-a-century, has 'Jim Crowed' Negro railway workers into segregated locals in the North as well as in the South. It has limited their job rights by negotiating discriminatory promotional clauses in collective bargaining agreements.

The attack upon A. Philip Randolph can only be regarded as a further indication of the moral bankruptcy of the AFL-CIO leadership.

We of the NAACP certainly believe in cooperation between the Negro community and organized labor but such cooperation cannot be based upon Negroes remaining silent regarding racist practices within trade unions.

We reject the Federation's statement that A. Philip Randolph caused 'the gap which has developed between organized labor and the Negro community.' If such a 'gap' exists it is because Mr. Meany and the AFL-CIO Executive Council have not taken the required action to eliminate the broad national pattern of anti-Negro practices that continues to exist in many significant sections of the American labor movement, even after five-and-a-half years of the merger and the endless promises to banish Jim Crow.

We know that the entire Negro community will rally to the cause of Mr. Randolph which is the cause of all who struggle for a truly democratic labor movement committed to social justice and equality of treatment for all who toil.

## FATHER GIBSON

REVERSAL of a contempt conviction of Rev. Theodore R. Gibson, president of the Miami NAACP branch, is asked in a brief filed on September 28 with the United States Supreme Court.

Father Gibson, an Episcopal priest, was held in contempt by the Florida Legislative Investigation Committee because he refused to produce the NAACP membership list or to identify as members of the Association names of persons read to him at committee hearings in Tallahassee, Fla., Nov. 4-5, 1959.

A state trial court held, on July 19, 1960, that there was no valid reason why he should not be required to produce the NAACP records at a committee hearing and ordered him to appear again with the records for questioning by the committee. At the second hearing, on July 27, 1960, he again refused to produce the records.

On August 30, 1960, a state circuit adjudged Father Gibson in contempt of the legislative committee and sentenced him to six months imprisonment and a fine of $1,200.

The legislative committee was established in 1956 for the ostensible purpose of investigating alleged communist influence in organizations operating in the race relations and civil rights fields with a view to ferreting out organizations and individuals "advocating violence or a course of conduct which would constitute a violation" of the laws of Florida.

In accord with NAACP policy, Father Gibson refused to identify Association members and contributors on the ground that such disclosure would expose them to economic reprisals and other forms of persecution and discrimination.

Representing the militant clergyman are Robert L. Carter, NAACP general counsel, and his assistant, Mrs. Maria L. Marcus, both of New York City; G.E. Graves, Jr., of Miami; and Frank D. Reeves of Washington.

The brief they submitted to the Supreme Court on behalf of Father Gibson asserts that "the record fully documents the contention that the public identification of membership in the NAACP in Florida results in reprisals of various proportions." It cites instances of bomb threats, shootings, dismissals from jobs, telephone harassment, and threats of intimidation.

"The result of revelation of membership," the petition concludes, "rather than leading to legislation, would merely mean that '. . . the NAACP would become completely non-existent in Florida.' The result of comparing lists of members with other lists of persons not even proved to be subversive, would merely lead to the discrediting of the organization without any showing of a nexus between the Communist party and the NAACP. . . . This would be an impermissible result."

## COLUMBUS SEEKS JOBS FOR NEGROES

In the latest move of a concentrated job placement drive, the Columbus, Ohio, branch has requested the state Civil Rights Commission to take steps to have Negroes admitted to the day sessions of Columbus Business University.

Barbee William Durham, NAACP executive secretary in Columbus, said that his branch has "put forth every reasonable effort to secure an opportunity to talk this matter over at a conference table."

The NAACP has been attempting to meet with executives from the University for three months. A special NAACP investigating committee learned from an unidentified University official that Negroes are denied entrance for two reasons:

—The University guarantees placement of all graduates but fears local discrimination would make this promise impossible in the case of Negro students.

—Since a $500 fee is required in advance, the officials concluded that no Negro could afford such.

The institution's president declined to talk with NAACP representatives when approached on several occasions.

Mr. Durham said that the NAACP "has been completely fair and deliberate in attempting to effect a change in policy at Columbus Business University."

In another development, the NAACP's placement program scored a victory this week when the Huntington National Bank hired its first Negro clerical workers.

They are Alice Kellum and Shirin Hollis, both of Columbus. The Big Bear supermarket, the only one in the area refusing to hire Negroes in other than menial jobs, this week hired Gail Howard as a cash register trainee, in response to NAACP urging.

## JIM CROW DROPPED IN FLORIDA AGENCY

SUSTAINED NAACP pressure has borne results in the employment practices of the Florida State Employment Offices in Tampa. The SEO has announced that Negroes will no longer be discriminated against in state offices.

John Boyles, administrative assistant to the State Industrial Commissioner, released word of the decision following a state-wide meeting of State Employment office managers.

Managers and supervisors were told that "they must drop the designation 'colored' from the places where separate headquarters have been maintained for Negro job seekers.'

The State Commission reminded its administrative staff that its program involved use of federal funds.

Robert W. Saunders, NAACP field secretary for Florida, pointed out that the Association had filed complaints charging that segregated hiring offices resulted in Negroes being the last hired.

He added that NAACP investigation disclosed that the Commission was used as a "screening agency" for employers or industries moving to Florida.

These practices tended to eliminate Negroes from jobs and strengthen overall barriers against Negro employment. Richard W. Powell, NAACP labor and industry chairman in Florida, said committees are being set up in each unit in order to follow up on the decision.

## COURT ASKED TO BAN ANTI-NAACP LAW

The United States Supreme Court has been asked to strike down a Virginia statute which would bar the Association from sponsoring law suits designed to secure constitutional rights for Negro citizens.

In a petition filed with the court on September 25 by NAACP general counsel Robert L. Carter, his assistant, Mrs. Maria Marcus, both of New York City, and Frank D. Reeves of Washington, the Association asks the Court to set the Virginia statute aside as an unconstitutional abridgement of the "due process" and "equal protection of the laws" clauses of the Fourteenth Amendment.

The challenged law, passed in 1956 by the General Assembly of Virginia as part of the state's "massive resistance" program, would bar the NACCP and its local and state units from underwriting the costs and providing counsel in litigation instituted to test the validity of state-imposed racial discrimination. Such activity, the statute holds, constitutes "unlawful fomenting and solicitation of legal business" and makes lawyers participating in such cases guilty of malpractice and unprofessional conduct.

The NAACP filed suit in both the state and federal courts seeking an injunction restraining the state from enforcing the statute on the grounds that it violates the Fourteenth Amendment and abrogates "the constitutionally-secured rights of all persons in the United States to free access to the courts."

The basic aim of the NAACP, the brief points out, "is to remove all racial barries to first-class citizenship for Negro Americans." In the South, where the Negro has been politically weak because of disfranchisement, the NAACP petition asserts, "the most efficacious method to undermine the barriers to racial equality [is] to strike at their support in the fundamental law.

"Illegalities and unconstitutionalities such as racial discrimination may exist with complete impunity until their legality is put in issue in litigation designed to test their validity."

The Virginia legislation, the NAACP contends, "denies equal protection of the laws, threatens to destroy [the Association's] effectiveness, denies rights of freedom of association to its members and violates constitutional guarantees of free access to the courts."

## DUTCH REQUEST CLEMENCY FOR PRESTON COBB

TWO distinguished Hollanders went to Atlanta, Georgia, to observe the hearing on the motion for a new trial for 15-year-old Preston Cobb.

Convicted of slaying Frank Coleman Dumas, Sr., 70-year-old white farmer, young Cobb was sentenced to be executed on September 22. Upon request of the boy's mother, Mrs. Leatha Cobb of Monticello, the NACCP retained Donald L. Hollowell, Atlanta attorney, to defend Preston Cobb in further legal proceedings. A motion for a new trial, filed by Mr. Hollowell

on September 12, secured a stay of the execution order.

News of the conviction and death sentence aroused citizens of The Netherlands who organized a Preston Cobb Committee and secured nearly 2,000,000 signatures to a petition asking clemency for the youth. The committee, headed by J. van der Mollen of Amsterdam, designated two representatives to come to this country.

Representing the Dutch committee on this mission are Mrs. F. T. Diemer-Lindeboom, member of the Municipal Board of Rotterdam and a former member of The Netherlands delegation to the United Nations, and Judge B. W. van Houten, vice-president of the Court of Arnheim. They arrived in New York City on the night of October 2.

"We come here," Judge van Houten explained in New York, "not as critics of American law, but as people with a real concern about the death penalty for a mere lad. Our concern has nothing to do with Preston Cobb's race; it would be the same if he were white, or Asian. It is the death penalty for a child that gravely concerns us and the nearly 2,000,000 Dutch men, women and children we represent."

"What we want to do," Mrs. Diemer-Lindeboom said, "is to get all the facts in the case and to find out if there is some way by which this boy will have the opportunity to escape the death penalty. We want to help him, if we can, to have a chance to rehabilitate himself."

As a member of The Netherlands delegation to the United Nations, Mrs. Diemer-Lindeboom helped frame the child welfare aspects of the Declaration of Human Rights. In Holland, they pointed out, the death penalty, except for military courts, has not been imposed for more than a century.

## MRS. PITTMAN COAST REGIONAL SECRETARY

MRS. TAREA HALL PITTMAN of Berkeley, California, has been appointed West Coast Regional Secretary for the NACCP.

On recommendation of Mr. Wilkins, Mrs. Pittman's promotion was approved by the Association's Board of Directors at its regular monthly meeting on September 11. She had been serving as acting regional secretary since September, 1959, following the granting of a leave of absence to Franklin H. Williams who later resigned to take a position with the Peace Corps.

A native Californian, Mrs. Pittman was educated at Bakersfield Junior College, San Francisco State College, and at the University of California from which she received the degree of Master of Social Welfare. Prior to joining the NAACP staff as a field secretary in 1952, Mrs. Pittman was employed as a social worker.

Her volunteer activities included ten years as an officer of the Alameda County branch of the NAACP; president of the Northern California Area Conference of the NAACP; president of the California Council of Negro

Women; membership on the boards of the Oakland YWCA, the Central Volunteer Office, and the Berkeley Council of Social Welfare.

In her new position, working under direction of Gloster B. Current, the Association's director of branches, Mrs. Pittman will be in charge of the NAACP program in the states of California, Washington, Oregon, Nevada, Alaska, Hawaii, Arizona, Utah, and Idaho.

*F. Williams*

MRS. KAY DAVIS *(2nd from R), Supreme Basileus of Gamma Phi Delta Sorority, presents a $500 check to Mrs. Elizabeth Garner, wife of Dr. James Garner, Sacramento, Calif., for GPD's NAACP life membership. Others in the picture (from L) are Mrs. Mamye Diggs, mother of U. S. Congressman, Charles C. Diggs; Mrs. Bessie Sands, owner of a ladies apparel shop, San Francisco, Calif.; and Mrs. Helen Wilson, Boule Marshall of the 1961 Detroit, Mich., GPD convention.*

# What the Branches Are Doing

*Illinois:* Annual breakfast meeting, held on August 27, of the Chicago branch of the National Alliance of Postal Employees was devoted primarily to making plans for NAACP memberships.

A luncheon meeting of the CHICAGO branch was held on September 5 in the Blue Room of the Parkway Ballroom, 420 East 45th Street.

*Louisiana:* Regional secretary Clarence A. Laws visited regions in Louisiana and Texas devastated by hurricane Carla.

The NEW ORLEANS branch has assisted the parents of twelve children who entered six public schools; protested against local police brutality; and won support for its long-standing effort to have the city administration create a bi-racial committee to handle the racial problems of the community.

The registration drive of the MONROE branch is meeting with success. Rejected Negroes, however, are afraid to report their experiences for fear they would have to testify. A suit is now pending against the local voting registrar.

*Massachusetts:* Mrs. Gertrude Woodhouse, Elk Leader, and Mrs. Augusta Bailey co-chaired the committee which promoted the second annual wards banquet of the BOSTON branch held on October 21 at the First Corps Cadet Armory.

*Michigan:* The education committee of the GRAND RAPIDS branch has issued its report on preferential-teacher assignment in that city. Rev. J. V. Williams was chairman, with Dr. W. W. Plummer as co-chairman.

Here is an excerpt from this report:

On July 6, 1960, there appeared in the Grand Rapids Press, an article entitled 'School Risk Rates Drop.' It was an account of the monthly meeting of the Grand Rapids Board of Education. The end of the article contained this information:

> Dr. Jay L. Plyman, deputy superintendent, reported (174) new teachers have been signed for the coming year compared with (166) at the similar date a year ago. However, he reported increasing difficulties in making assignments to Vandenberg, Sheldon, Franklin, Campau and Maplewood Schools. Due to the teacher shortage it is necessary to take some teachers who wish assurance they will not be assigned to integrated schools, he related.

The Grand Rapids Branch of the National Association for the Advancement of Colored People presented a resolution to the Board of Education on October 3, 1960. The resolution protested the employment of teachers who make such requests and called upon the Board of Education to make no more such concessions. The resolution also requested that the contracts of teachers who have sought this condition, not be renewed. A complete text

MRS. TAREA HALL PITTMAN

(See p. 570)

of the resolution reads as follows:

WHEREAS;

The future of our great Democracy depends on the young people in our school systems who must be taught to respect a man because of his worth and not his creed, race or national origin or religion and because we believe that all men have a common origin and a common God, the Father of us all, and because we believe that any teacher who would demand such a condition of employment is making an obvious confession of bigotry and intolerance and because we believe that such a teacher, in spite of years of formal education, has not learned the message of brotherhood which is so badily needed if this world is to rid itself of racial and religious strife and:

WHEREAS;

If this concession is granted, it could lead to granting the same conditions of employment to those who do not want to teach students of the Jewish religion or children of Spanish-American descent, children of the Catholic faith, children of Oriental descent, or those of the Protestant faith.

BE IT THEREFORE RESOLVED;

That we, the members of the Grand Rapids Branch of the National Association for the Advancement of Colored People call upon the Board of Education to make no more such concessions and that those teachers now employed, who have demanded this condition, be notified that their contracts will not be renewed. We urge the Board to give serious thought as to the wisdom of employing confessed bigots in our community. We implore the Board to respect the wishes of those citizens who resent that their taxes are being paid in wages to a teacher who would refuse to teach a child because of the color of his skin. We realize the problems in teacher procurement, however, we have grave doubts as to the prudence of utilizing in our community and our school system those teachers who have shown little dedication to the high ideals of the teaching profession and American democracy.

The local newspaper, on Tuesday, October 4, 1960, made the following report in an article headlined, "Charges Teacher Bigotry"—"NAACP hits Preferential Assignment; Buikema Sees 2-Way Problem."

"A charge of "bigotry and intolerance" was leveled at school teachers who request they not be assigned to integrated schools in a resolution presented Monday night to the Board of Education. The charge, presented by the Grand Rapids Chapter of the NAACP, brought immediate response from Supt. Benjamin Buikema, who pointed out that requests for preferred assignments also had been made by Negro teachers as well as white.

The resolution protested the employment of teachers who make such re-

quests and called on the Board of Education to make "no more such concessions." It also demanded that the contracts of teachers who have requested conditional assignment not be renewed.

Basis for the resolution was a statement by Dr. Jay Pylman, deputy superintendent, that due to the teacher shortage it was necessary to employ some teachers who wished assurance they would not be assigned to Vanderberg, Sheldon, Franklin, Campau or Maplewood schools. Any teacher who would demand such a condition of employment is making an obvious confession of bigotry and intolerance, the NAACP resolution stated. If this concession is granted it could lead to granting the same conditions of employment to those who do not want to teach students of the Jewish religion or children of Spanish-American descent, children of the Catholic faith, children of Oriental descent or those of the Protestant faith.

I do not think we can accuse these people of bigotry, Superintendent Buikema declared. This is not only a problem in these schools, it is a problem in all schools. It is still an American privilege for any person to work and live in the type of community he wants and to do the type of work he wants to do. Dr. Pylman is concerned with the assignment of teachers to the position in which they can do the best job. If you were to ask me how many Negro teachers we have on our rolls I could not tell you. If you will look at our appointment list I will defy you to tell me what names on the list are Catholic, Protestant, Negro, Jew or what.

The superintendent noted that the local board has done much to eliminate intolerance. We have Negro teachers who elect not to teach in certain types of schools (all white or higher economic level). It is our job to fit teachers to the boys and girls in our schools, he added. We know this community has a problem in this field. But I hope more and more citizens will face up to the situation and do what is right.

*Missouri:* The 1961 housing law was the subject of a special program given at the October 2 meeting of the ST. LOUIS branch. Panel members included Mrs. Frankie Freeman, attorney for the St. Louis Housing Authority; Wm. McKinney, an FHA official; P. C. Robinson, a real-estate broker; and Robert Fagen, an officer of the New Age Federal Savings and Loan Association.

*Nevada:* Fifteenth freedom fund banquet of the RENO branch was held at the new Mathisen Hall on November 10.

*New Jersey:* Annual "kick-off" membership meeting of the JERSEY CITY branch was held on September 23 at a luncheon-workshop held at the Hotel Plaza. Mildred Bond, national life membership secretary, presented a life membership plaque to W. H. King.

*Ohio:* The COLUMBUS branch moved into high gear when the second local bank, the Hungtington National, hired its first colored girls, Alice Kellum and Shirin Hollis.

Big Bear, the only major supermarket in the area which had not hired Negroes in other than menial jobs, hired its first Negro girl, Gail Howard, recently for cash-register duty.

Just previous to this move, an NAACP committee composed of Robert Mix, L. M. Shaw, and Mrs. Edith Cox had called on Big Bear Officials. This is one of several NAACP committees now calling on

Columbus businesses in the interest of eliminating racial barriers to equal job opportunities.

Recently a committee composed of Mrs. Viola Lynch, chairman, and Mrs. Elsie Ward, called on the Continental Baking Company (Wonder Bread) and later Mrs. Edith Cox, Rev. L. H. Johnson, Mrs. Ella Elouise Trout, and Robert Mix called on the personnel supervisor of the Kroger Company to commend them for the steps already taken and the express hope that greater steps will be taken.

One of the first meetings held in this series was when Mrs. Ruth Martin Harriston headed a committee which called upon the management of A & P. Rev. Shelie Doughty, a member of the committee that called upon Albers, said, "Although I am disturbed by the fact that few Negro Youth have been applying at these places, I know that this picture will change rapidly when it becomes known that the opportunities exist."

Persons who have been working with Mr. White in the banking area include Rev. H. Beecher Hicks, James L. Jordan, Rev. Alvia Shaw, Rev. J. Dallas Jenkins, and Amos Lynch. Rev. James Parrish, Rev. C. F. Jenkins, and Wilbur McNabb were unable to join committees at the appointed times because of circumstances beyond their control.

Other committees set to make calls on bakeries, dairies, etc., include Mrs. Constance Johnson, Ellen Simmons, Rev. Jacob Ashburn, George E. Davis, Rev. L. L. Dickerson, Rev. Phale D. Hale, and Mrs. Thomas Brewer. The conference schedule calls for several to be held each week and, at times, more than one a day. The only area in which the branch feels that it has nearly completed the first phase of the operation is that of supermarkets. The second pase calls for further conferences with these company officials to urge more than token hiring where such is the case.

DE SOTO JORDAN

President of the Pueblo, Colo., youth council.

*Tennessee:* The NASHVILLE branch asked the Conference of Southern Governors (which met in Nashville recently) to accept the challenge to "speak and work for the expansion and advancement of American democracy."

*Texas:* Regional secretary Clarence A. Laws reports that a campaign is underway in the southern states to increase job opportunities for Negroes in public utilities. At a meeting held in DALLAS in May, NAACP leaders voted to approach

MR. J. R. HAIRSTON, *Post Grand Exalted Ruler of the National John Brown Shrine, IBPOE of W, is shown presenting an initial $100 NAACP life membership check for his organization to Mildred Bond, life membership secretary, at the National Elk Convention held at the Hotel Commodore in New York City.*


*Pierce & Son*

FIRST HIRED—*Shirin Hollis and Alice Kellum (R) are the first Negro clerical workers to be hired by the Huntington National Bank of Columbus, Ohio.* *See p. 567.*

public utilities companies in the fall in a request for better jobs for Negroes.

The 49th Armored Division, a Texas Army National Guard unit, has now been desegregated and more Negroes are likely to be assigned to that organization when it is placed on active-duty status.

*Washington:* The selective-buying campaign of the SEATTLE branch directed at the grocery store chains located in the Central District is now at the stage where negotiations have commenced with Safeway officials regarding their hiring practices. Members of the negotiating committee are Benjamin F. McAdoo, Jr., representing the NAACP; Reverend Samuel B. McKinney, representing the Ministerial Alliance; Attorney Edward S. Singler and Wallace Johnson, representing the Committee For Racial Equality (CORE). The committee reports that 30 persons, who are apparently well qualified for the position of checker in retail grocery supermarkets, have notified the committee of their desire for such employment and have been interviewed by the committee regarding their qualification. The committee is hopeful that more democratic hiring prac-

tices will be adopted by the supermarket chains through peaceful negotiations and that it will not be necessary to resort to a freedom-line demonstration.

George J. Morry, Seattle Postmaster, has asknowledged the request of Thomas Eakers for a grievance hearing on his complaint of racial discrimination in post office employment. Mr. Eakers had complained that he was a successful bidder on a position in the cost control section at the Seattle Terminal Annex. Following Eakers' successful bid the position was officially terminated, although actually it remained the same and the position continued to be filled by the person whose qualifications did not meet the position requirements. A hearing on Eakers' complaint will be scheduled shortly after Eakers returns from his vacation on or about October 1.

The Seattle branch is also conducting a "don't shop where you can't work campaign." Branch "throwaways" say, in part: "You are one of the thousands of non-whites who, each week, spnd the largest part of their earnings in grocery stores, where, because of your color, you cannot work. You have been doing this year after year, even when you have been unemployed."

*Wisconsin:* The RACINE branch recently conducted a mass meeting, with Medgar Evans as guest speaker, on civil rights and the role of the NAACP. The meeting was opened with a united prayer service for the state of Mississippi as well as the state of Wisconsin. The spiritual services wer conducted by Rev. Herbert Holman, pastor of the Wayman AME Church.

*Dock's Bar, So Bend, Indiana, p mitted local branch solicit NAACP me berships during b ness hours. From Raleigh Lee, M Charles Wills, I Wood, and Mr. Mrs. Fred Jone*

# College and School News

The student choirs of Livingstone, Paine, St. Paul's and Clark Colleges, and Virginia Union University were heard during October on the ABC Radio Network series, "Negro College Choirs." The colleges involved are all members of the UNITED NEGRO COLLEGE FUND.

Twenty-six African scholars completed their orientation period at Atlanta University under UNCF auspices in September.

■

Eleven persons have been added to the faculty and the administrative staff of XAVIER UNIVERSITY. Xavier has also added several new courses to the curriculum: a first-year class in Russian, a survey of Communism, a speech laboratory, and additional classes in biology and chemistry.

■

Dean A. A. Branch of TOUGALOO SOUTHERN CHRISTIAN COLLEGE has announced that his college is now receiving applications for Danforth Graduate Fellowships worth up to $12,000. The fellowships are offered by the Danforth Foundation of St. Louis, Mo., and are open to male college seniors or recent graduates preparing for a career of teaching, counseling, or administrative work at the college level.

■

Dr. Beryl Parker is the new director of the Division of Education and Psychology at VIRGINIA UNION UNIVERSITY; she replaces Dr. Walter Daniel, who recently resigned to return to Howard University. Eight new persons have joined Union's faculty and staff this year.

■

Twelve Congolese medical students representing the "first generation" of modern physicians in that country toured the UNIVERSITY OF MICHIGAN School of Public Health and other health facilities on the campus in September. Dr. Myron E. Wegman addressed the visitors and showed them through the teaching and research facilities of the school.

■

BOSTON UNIVERSITY has admitted six highly-qualified African undergraduate students from Uganda, who nearly missed their chance to enter an American college or university this fall because of late application for admission.

Twelve American men and women of education, science, the arts and the humanities chaired, October 22-26, some 60 varied panels before more than 1,700 delegates in Boston who attended the Eighth National Conference of the U. S. National Commission for UNESCO. The four-day meeting, arranged in cooperation with Boston University, centered on "Africa and the United States: Images and Realities."

■

BENEDICT COLLEGE has added eight new faculty members and four new staff members for the year 1961-62.

■

Dr. S. O. Roberts, chairman of the department of psychology at FISK UNIVERSITY, read a paper (based on research by him and Lester Carr, instructor in psychology) on psychological characteristics of "social action" demonstrators before the 69th annual convention of the American Psychological Association which met in New York City August 31-September 6.

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Street.....

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Twelve Congolese medical students representing the "first generation" of modern physicians in that country toured the UNIVERSITY OF MICHIGAN School of Public Health and other health facilities on the campus in September. Dr. Myron E. Wegman addressed the visitors and showed them through the teaching and research facilities of the school.

■

BOSTON UNIVERSITY has admitted six highly-qualified African undergraduate students from Uganda, who nearly missed their chance to enter an American college or university this fall because of late application for admission.

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If you have ever wished that you, personally, could do something practical to weight the scale for peace—here is your chance. Get the facts and spread the facts about the work of the United Nations. Help build the public support it needs to do an effective job. ● ***The U.N. is the only positive alternative to war.*** It has stepped in time and again to prevent a major war. It is the only existing practical means for settling quarrels between nations by *negotiation, mediation, conciliation.* It can resolve the dilemma of nuclear holocaust or surrender to brute force. ● ***The U.N. is building a solid foundation for future peace and human progress.*** Continuing, long-range programs work to stamp out hunger and disease, to spread education and technical know-how, to help poor nations lift themselves by their bootstraps. The U.N. can do this more effectively than any one nation acting alone. ● ***We need the U.N. and the U.N. needs us.*** It is the most potent forum ever devised for mobilizing world opinion. It is the one place where our country can work with other nations in the common cause of peace, with freedom and justice. ● A strong United Nations—and possibly survival itself—depends on the moral support of well-informed citizens. That's where *you* can do a job. Become a goodwill ambassador for the United Nations—among your friends and neighbors, in your shop, office, club. To start, write for a free copy of "THE U.N. IN ACTION"—a clear, concise briefing for thoughtful Americans. Just send a postcard to the address shown below.

UN

**UNITED STATES COMMITTEE FOR THE UNITED NATIONS 375 Park Ave., New York 22, N. Y.**

**A non-partisan, non-profit educational organization whose Chairman is appointed by the President of the United States.**

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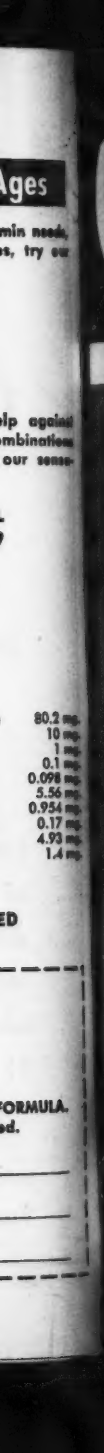
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